

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

PEGGY COX, *et al.*,

Plaintiffs,

Case No. 3:20-cv-272

vs.

CHRISTMAS TREE SHOPS, INC., *et al.*,

District Judge Michael J. Newman

Defendants.

ORDER AND ENTRY: (1) GRANTING PLAINTIFF'S MOTION TO VOLUNTARILY DISMISS MITCHELL JOHNSON (DOC. 12) AS A PARTY TO THIS ACTION; (2) DISMISSING ALL CLAIMS AGAINST DEFENDANT JOHNSON WITHOUT PREJUDICE; (3) TERMINATING DEFENDANT JOHNSON AS A PARTY TO THIS CASE; AND (4) DENYING DEFENDANTS' CHRISTMAS TREE SHOPS INC. AND BRENDA BACH'S MOTION TO DISMISS AS MOOT WITHOUT PREJUDICE TO REFILE

This civil case is before the Court on the Plaintiff's motion to voluntarily dismiss all claims asserted against Defendant Mitchell Johnson pursuant to Fed. R. Civ. P. 21. Doc. 12. For good cause shown, and absent opposition, the Court **ORDERS** as follows: (1) Plaintiff's motion to voluntarily dismiss all claims against Defendant Johnson (doc. 12) is **GRANTED**; (2) all claims against Defendant Johnson are **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 21; and (3) Defendant Johnson is **TERMINATED** as a party to this case.

Also before the Court is a motion to dismiss filed by Defendants Christmas Tree Shops, Inc. and Brenda Bach. Doc. 9. On November 2, 2020, the Court granted Plaintiff's motion for leave to file an amended complaint. Doc. 17. Because Defendants' motion to dismiss is directed to Plaintiff's original complaint, it is **DENIED AS MOOT AND WITHOUT PREJUDICE TO**

REFILE. *See Laning v. Doyle*, No. 3:14-cv-24, 2014 WL 2805240, at *1–2 (S.D. Ohio June 20, 2014).

IT IS SO ORDERED.

Date: February 2, 2021

s/ Michael J. Newman
Michael J. Newman
United States District Judge